Case 2:15-cr-00366-RGK
Daniel Keller, # 21804-112
c/o Federal Prison
P.O. Box 26020
Beaumont, Texas 77720

Document 101 Filed 06/22/20 #:695

CENTRAL DISTRICT OF CALIFORNIA DEPUTA

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

Daniel Eugene Keller)
Petitioner,)
)
)
V.)
)
UNITED STATES.)
Respondent)
)
)

No. CR 15-00366-RGK
PETITIONERS REQUEST FOR
COMPASSIONATE RELEASE/
REDUCTION OF SENTENCE
UNDER U.S.C. § 3583(c)
TO TIME SERVED

Petitioner has asked the Warden of FCC Beaumont (LOW), for immediate release to "Home Confinement", due to the COVID-19 virus. Petitioner was DENIED. See (Exhibit # 1), (Exhibit # 2), and (Exhibit # 3) (two pages) DENIED. Petitioner now seeks relief from District Court and his sentencing Judge Mr. R. G. Klausner.

STATEMENT OF FACTS:

- 1) Home Confinement: On April 3, 2020, Attorney General Barr ("AG") issued a memorandum (1) authorizing BOP to increase the maximum amount of time an inmate can serve in home confinement, and (2) asking BOP to allow home confinement for inmates in high risk groups for COVID-19.
- 2) The Centers for Disease Control and Prevention (CDC) has said that people at a **higher risk** are (1) people 65 years and older; and (2) all people with underlying medical conditions, particularly if not well controlled, including chronic lung disease, moderate to serve asthma, heart conditions, high blood pressure, diabetes, obesity, kidney disease, liver disease and being immuno-compromised. See (Exhibit # 4) (two pages).
- 3) Petitioner has personally written to this District Court (twice), with no responce. Petitioner described his high risk for COVID-19, and included were several options for home confinement, or RRC placement. In BOTH Houston, Texas, or Los Angeles, California.
- 4) Petitioner has a projected released date of: 03/25/2025 and with the First Step Act is entitled to 12 months RRC placement and 6 months home confinement. Petitioner has remained disciplinary free of BOP violations and was awarded transfer back to his region and designated for Terminal Island. Which seems to be 'ground zero' for COVID-19. See (Exhibit # 5).

- 5) This District Court recommended to the BOP the Petitioners participation in the "DAP" program, and if Petitioner were to be successful in completion of this program. The Petitioner could be awarded another 12 months off his sentence. So if you combined the 18 months and the 12 months, of the programs available to the Petitioner, that would be 30 months off the Petitioners remaining 56 months and that leaves Petitioner with 26 months (approximately). Petitioner is even willing to spend the entire 26 months in a RRC placement. Where I'd be subject to paying a percentage of his income, and willing to wear a GPS bracelet. Or placement into a long term live-in drug facility to appease this District Courts "DAP" program recommendation.
- 6) The coronavirus (COVID-19), is rapidly spreading in all parts of the United States, including its prisons. There in no vaccine or cure for this deadly disase. The CDC recommends frequent handwashing, sterilizing of surfaces, and remaining at a distance of at least six feet from other people. This is impossible to do at FCC Beaumont (LOW), or any other prison facility.
- 7) Petitioners numerous medical conditions are: Asthma, C-PAP user, high blood pressure, and diabetes (insulin), these put this Petitioner at a very high risk for DEATH from the COVID-19 virus.

So in closing this Petitioners extraordinary and compelling circumstances regarding the COVID-19 virus, makes this Petitioner eligible for compassionate release "time served" or home confinement, whichever this Honorable Court decides.

Respectfully Submitted,

Pro Se

BMX1330.17A September 12, 2012 Attachment A

DOCUMENTATION OF INFORMAL RESOLUTION ATTEMPT
Bureau of Prisons Program Statement No. 1330.16, Administrative Remedy Program,
(December 31, 2007), requires, in most cases, that inmates attempt informal resolution of grievances prior to filing a formal written complaint. This form shall be used to document your efforts towards informally resolving your grievance.

Inmate Name: Daniel Keller Reg. No.: 21804-112 Unit: VB
Specific Complaint and Requested Relief: Immediate release to home confinement because of the CV-19 Pandemic. This inmate submitted a similar BP-8 to Unit Team and it was DENIFD. Since the inmate appeal process is slow and this is a life threatening situation. Se I attached the BP 8 and sent it with aBP 10 to Region for review. It was also DENIED/REJECTED, but NOT returned. I only got the rejection notice with Remedy ID# 1017713_R1, dated: May 7th, 2020. *** See attached copy *** Therefore this inmate is now re-submitting this BP-8. And I will have to follow through with the BP9, BP10, BP11, until I can go to Federal Court with a 2241 Motion. I have several health factors that qualify me for immediate release to home confinement. Such as Asthma, C-PAP user, high blood pressure, diabetic with Insulin, and advanced age, and by the time this is processed I will be over the 50% of time served. Efforts Made By Immate To Imformally Resolve Grievance (be specific): I have spoken with my Unit Team: Mrs. Ponzio, Mr. Dews, and Mrs. Jones.
Counselor's Comments: You were determined to be ineligible At this time. A Para 5-29-28 Orrectional Counselor's Review/ Date Unit Manager's Review / Date

U.S. DEPARTMENT OF JUSTICE

Federal Bureau of Prisons

DATE

USP LVN

REQUEST FOR ADMINISTRATIVE REMEDY

Type or use ball-point pen. If attachments ar	re needed, submit four conies	Additional Incomes	
KETTED Daniel -		auuwaa instructions	on reverse.
From: RESILER, DANIEL E. LAST NAME, FIRST, MIDDLE INITIAL	# 21804-112	VB	FCC-BML
	REG. NO.	UNIT	INSTITUTION
I meet several of the requirements as a submitted a EP-8 and it was DENIED, I to is a life and death issue. *** See REJEMAY 7, 2020 ***. In a recent conversation of PATTERN score which makes me a low limmates at this time. He told me that it those points are for a 487(e) Grand the California. This case is well over 20 your confinement. I have several options for the effort to renew my driver license as	CCTION notice attached in to a scientific attached in with Case Manager level inmate when the is was my criminal hieft, dated: 07/20/19 years and shouldn't home confinement the	a BP10 and sent a BP10 and sent ad Remedy ID# 1 be Mr. Dews he t ay are only acc astory, I have appeared GA040 beffect my reli	r's guidelines. I it to Region as the 017713-R1, dated: old me that it was epting minimum leve 8 points. Three of 093 out of Glendals ef sough for home
05/19/2020 DATE		SIGNATURE OF RE	OUESTER
art B- RESPONSE			
*** E	xhibit # 2 ***		
DATE		WARDEN OR REGIONA	
issatisfied with this response, you may appeal to the Regional Director. You ORIGINAL: RETURN TO INMATE	ur appeal must be received in the Regio	CASE NUMBER: _	
art C- RECEIPT		CASE NUMBER: _	
LAST NAME, FIRST, MIDDLE INITIAL	REG. NO.	UNIT	INSTITUTION

RECIPIENT'S SIGNATURE (STAFF MEMBER)

BP-229(13) APRIL 1982 You have been determined not to be eligible based on one or more of the aforementioned criteria.

Based on the above information, this response to your Request for Administrative Remedy is denied.

If you are not satisfied with this response, you may appeal to the Regional Director at Bureau of Prisons, South Central Region, South Central Regional Office, 344 Marine Forces Drive, Grand Prairie, Texas, 75051. Your appeal must be received in the South Central Regional Office within 20 days of the date of this response.

F. J. Garrido, Warden

Date

FEDERAL CORRECTIONAL COMPLEX (FCC), BEAUMONT, TEXAS PART B-RESPONSE TO REQUEST FOR ADMINISTRATIVE REMEDY #1023429-F1

This is in response to your Request for Administrative Remedy received June 2, 2020, in which you request an immediate release to home confinement due to COVID-19 virus.

The Bureau of Prisons is utilizing the full scope of its various authorities to ensure that inmates indicated at high risk are of complications from COVID-19 are housed safely and appropriately given their specific needs and circumstances. This includes modified institution operations; routine staff and inmate medical screening; use of the home confinement authority, where appropriate, based on guidance from the U.S. Attorney General; and use of compassionate release for appropriate inmates who have existing terminal and debilitated medical conditions or who are elderly and nearing the end of their sentence, as indicated for in current agency policy.

The CARES Act authorizes the U.S. Attorney General to expand the cohort of inmates who can be considered for home confinement upon his findings of emergency conditions which are materially affecting the function of the BOP. On April 3, 2020, the U.S. Attorney General made that finding and authorized the Director of the BOP to immediately maximize appropriate transfers to home confinement of all appropriate inmates held at FCI Oakdale, FCI Danbury, FCI Elkton, and other similarly situated BOP facilities where COVID-19 is materially affecting operations.

The U.S. Attorney General issued guidance to the BOP regarding the transfer of inmates to home confinement on March 26, 2020. In assessing whether home confinement should be granted, the BOP considers the totality of circumstances for each individual inmate, the statutory requirements for home confinement and a non-exhaustive list of discretionary factors for priority consideration, including, but not limited to: no BOP violations within the last year; PATTERN score is minimum; a verifiable reentry plan; verification that the conditions under which the inmate would be confined upon release would present a lower risk of contracting COVID-19 than the inmate would face in his BOP facility; no serious offenses; primary offense is not violent, a sex offense, or terrorism related; no current detainers; and the inmate must have served 50% or more of their sentence or have 18 months or less remaining in their sentence and have served 25% or more of their sentence.





Don't Confiscate Before: 02/04/2020 99 ≡#30 TAB CAUTION: Federal /State law prohibits transfer of this drug to any person other than patient for whom prescribed

unless firested by your flost

doctor or pharmacist

White 31/H 31



Individualized Reentry Plan - Program Review (Inmate Copy)

Dept. of Justice / Federal Bureau of Prisons

Team Date: 05-28-2020

SEQUENCE: 01109873

Plan is for inmate: KELLER, DANIEL EUGENE 21804-112

Facility:

BML BEAUMONT LOW FCI

Proj. Rel. Date:

Name:

KELLER, DANIEL EUGENE

03-25-2025

Register No.:

Date of Birth:

21804-112

03-16-1968

Proj. Rel. Mthd: GCT REL

52

Age:

DNA Status: VIM03348 / 06-16-2010

Detainers

Detaining Agency

Remarks

NO DETAINER

Current Work Assignments

Faci	Assignment	Description	Start
BML	YARD AM	CCS YARD AM DETAIL	04-03-2019

Current Education Information

Facl	Assignment	Description	Start
BML	ESL HAS	ENGLISH PROFICIENT	09-20-2005
BML	GED EARNED	GED EARNED IN BOP	05-11-2006

Education Courses

SubFact /	Action	Description	Start	Stop	
BML	С	BUSINESS COMMUN. ACE RPP#6	10-16-2019	12-18-2019	
BML	С	COLD WAR HISTORY ACE RPP#6	10-15-2019	12-17-2019	
BML	С	STARTING SMALL BUSIN ACE RPP#6	10-14-2019	12-16-2019	
BML	С	JOB SUCCESS CLASS, RPP#2	07-16-2018	09-17-2018	
BML	С	JOB INTERVIEWING, RPP CT2	07-24-2018	07-31-2018	
Discipline	History (Last 6 months)			

Hearing Date	Profibiled Acis	,	
** NO INCIDENT REPORT.	S FOUND IN LAST 6 MONTHS **		

Current Care Assignments

Assignment	Description	Start	
CARE1-MH	CARE1-MENTAL HEALTH	08-02-2016	
CARE2	STABLE, CHRONIC CARE	09-06-2018	

Current Medical Duty Status Assignments

Assignment	Description	Start	
LOWER BUNK	LOWER BUNK REQUIRED	12-30-2019	
NO PAPER	NO PAPER MEDICAL RECORD	03-14-2017	
REG DUTY	NO MEDICAL RESTRREGULAR DUTY	09-06-2018	
YES F/S	CLEARED FOR FOOD SERVICE	08-12-2016	

Current Drug Assignments

Assignment	Description	Start	
DAP DIAG	DRUG ABUSE DIAGNOSIS PENDING	01-09-2019	
ED COMP	DRUG EDUCATION COMPLETE	12-13-2016	

FRP Details

Most Recent Payment Plan

FINANC RESP-COMPLETED

Start: 09-17-2018

FRP Assignment: Inmate Decision:

AGREED

COMPLT

\$75.00

Frequency: SINGLE

Payments past 6 months: \$0.00

Obligation Balance: \$0.00

Financial Obligations

No.	Туре	Amount	Balance	Payable	Status	
1	ASSMT	\$200.00	\$0.00	IMMEDIATE	COMPLETEDZ	
		** NO AD.	JUSTMENTS MADE IN	LAST 6 MONTHS **		
2	ASSMT	\$200.00	\$0.00	IMMEDIATE	COMPLETEDZ	
		** NO AD.	JUSTMENTS MADE IN	LAST 6 MONTHS **		

Sentry Data as of 05-26-2020

Individualized Reentry Plan - Program Review (Inmate Copy)

CERTIFICATE OF SERVICE

I, Daniel Eugene Keller declare:

That I am a citizen of the United States and that I currently am incarcerated at: FCC Beaumont (LOW), P.O. BOX 26020, Beaumont, Texas, 77720; that I am over the age of 18 years; and I am a party to the below-titled action;

PETITIONERS REQUEST FOR COMPASSIONATE RELEASE/ REDUCTION OF SENTENCE UNDER U.S.C. § 3583(c) TO TIME SERVED

I placed into the United States mail prepaid addressed to :

The Clerk of District Court 255 E. Temple Street Los Angeles, CA 90012 2 copies w/attached exhibits

The United States Attorneys Office 312 North Spring Street Los Angeles, CA 90012 1 copy w/attached exhibits

Along with a SASE envelope for a STAMPED RETURNED COPY OF PETITIONERS REQUEST

I, Daniel Eugene Keller placed the above items into the US Mail on June 16th, 2020, at Beaumont, Texas.

Pro Se

Deniel Meller, 7 21884-112 FCC Beaumont (LOW) P.O. Box 26020 Beaumont, Texas 77720